



## City of Seattle

Gregory J. Nickels, Mayor

**Department of Planning and Development**

Diane Sugimura, Director

### **CITY OF SEATTLE ANALYSIS AND DECISION OF THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 3008968

**Applicant Name:** Mike Stanley for Museum of History and Industry

**Address of Proposal:** 860 Terry Avenue North

#### **SUMMARY OF PROPOSED ACTION**

Shoreline Substantial Development to change the use of the 52,190 sq. ft. former Naval Reserve Center (Armory) to a regional history museum (Museum of History and Industry). Renovations include interior alterations and 500 sq. ft. of exterior additions. No additional parking provided.

The following Master Use Permit components are required:

**Shoreline Substantial Development** – to allow alteration of a building in the US Environment.

**SEPA** - (SMC Chapter 25.05)

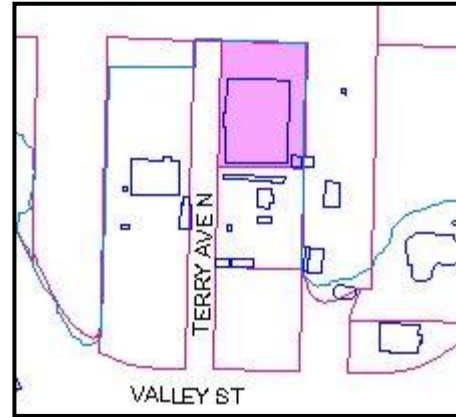
**SEPA DETERMINATION:**      ☐ Exempt   ☒ DNS   ☐ EIS  
   ☒ DNS with conditions  
   ☐ DNS involving non-exempt grading or demolition or  
   involving another agency with jurisdiction.

#### **BACKGROUND DATA**

##### Site & Vicinity

The subject property is located on a waterfront parcel within South Lake Union Park and is addressed at 860 Terry Avenue North. It is identified by King County Parcel Identification Number 4088803210. It is located within a C2-40' zone (Commercial Two with a structure height limit of 40 feet) and is also within the US (Urban Stable) Shoreline Environment. The property is surrounded by Lake Union to the north and east; Terry Avenue is adjacent to the property to the west; and South Lake Union Park is to the south. An over-water public walkway which provides public access abuts the property to the north and east. The existing "Historic Ship Wharf" abuts the public walkway to the north, and extends

west across the northern end of Terry Avenue. The property is currently developed with the former Naval Reserve Armory Building (the “Armory”) as well as the Historic Ship Wharf, both of which are located within South Lake Union Park. The Armory was built in 1942 and has been deemed eligible for listing on the National Register of Historic Places. The Armory is currently established as a community center, and the Historic Ship Wharf currently hosts maritime vessels of historic interest. According to information provided by the applicant, the Armory building is located on piles entirely over-water.



### Proposal

The proposal is to renovate the former Naval Reserve Center (aka Armory) for use as a regional history museum with an emphasis on maritime heritage. The Museum of History and Industry (MOHAI) would relocate from their existing facility in the Montlake neighborhood for the new facility in South Lake Union Park as part of the Maritime Heritage Partnership. Other members of the Maritime Heritage partnership are the Center for Wooden Boats, Northwest Seaport and the Virginia V Foundation. On behalf of the Partnership, MOHAI will enter into a lease with the City of Seattle for long-term use of this building, as well as the surrounding wharfs and associated moorage facilities. The building, wharfs and surrounding grounds are all part of South Lake Union Park and are managed by Seattle Parks and Recreation.

As noted above the Amory building has been nominated for listing on the National Register of Historic Places (NRHP). The building was nominated for Landmark status in accordance with the City of Seattle Landmarks Preservation Ordinance (SMC25.12.35). At the February 4, 2009 meeting of Seattle Landmark Preservation Board the nomination was approved. Proposed structural changes are entirely within the foot print of the existing structure on site. They would involve internal, structural alterations and increased height of the top (third story) with a new roof line and increased wall height. Issued plans at DPD, from earlier permits, show the third story covering approximately half the building. Currently, the top story covers most, if not all, of the building footprint. The proposal would have a third floor covering the entire building foot print.

### Public Comment

The comment period ended on January 7, 2009. One comment letter was received from the public objecting to the conversion of the building from an ad hoc community center to a museum.

## **ANALYSIS - SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT**

### Substantial Development Permit Required

Section 23.60.030 of the Seattle Municipal Code provides criteria for review of a shoreline substantial development permit and reads: *A substantial development permit shall be issued only when the development proposed is consistent with:*

- A. *The policies and procedures of Chapter 90.58 RCW;*
- B. *The regulations of this Chapter; and*
- C. *The provisions of Chapter 173-27 WAC.*

Conditions may be attached to the approval of a permit as necessary to assure consistency of the proposed development with the Seattle Shoreline Master Program and the Shoreline Management Act.

A. THE POLICIES AND PROCEDURES OF CHAPTER 90.58.RCW

Chapter 90.58 RCW is known as the Shoreline Management Act of 1971. It is the policy of the State to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy contemplates protecting against effects to public health, the land use and its vegetation and wild life, and the waters of the state and their aquatic life, while protecting public right to navigation and corollary incidental rights. Permitted uses in the shoreline shall be designed and conducted in a manner to minimize, insofar as possible, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water.

The Shoreline Management Act provides definitions and concepts, and gives primary responsibility for initiating and administering the regulatory program of the Act to local governments. The Department of Ecology is to primarily act in a supportive and review capacity, with primary emphasis on insuring compliance with the policy and provisions of the Act. As a result of this Act, the City of Seattle adopted a local Shoreline Master Program, codified in the Seattle Municipal Code at Chapter 23.60. Development on the shorelines of the state is not to be undertaken unless it is consistent with the policies and provisions of the Act, and with the local master program. The Act sets out procedures, such as public notice and appeal requirements, and penalties for violating its provisions. As the following analysis will demonstrate, the subject proposal is consistent with the procedures outlined in RCW 90.58.

B. THE REGULATIONS OF CHAPTER 23.60

Pursuant to SMC 23.60.064C, in evaluating whether a development which requires a substantial development permit, conditional use permit, variance permit or special use authorization meets the applicable criteria, the Director shall determine that the proposed use: 1) is not prohibited in the shoreline environment and the underlying zone and; 2) meets all applicable development standards of both the shoreline environment and underlying zone and; 3) satisfies the criteria for a shoreline variance, conditional use, and/or special use permits, if required.

This proposal does not require a shoreline variance, conditional use or special use permit. Institutions, including museums, are permitted outright in Commercial 2 zones; therefore, they are not prohibited. The proposal has been reviewed by DPD and meets the applicable development standards of the C2 zone (SMC 23.47A). There are no specific shoreline development standards applicable to this use (SMC 23.60.179 through SMC 23.60.210). Water-dependent or water-related institutions or facilities of institutions are permitted outright on waterfront lots in the US Environment (SMC 23.60.600G).

Shoreline Goals and Policies

Pursuant to SMC 23.60.004, the Shoreline Goals and Policies (part of the Seattle Comprehensive Plan's Land Use Element), and the purpose and locational criteria for each shoreline environment contained in SMC 23.60.220 must be considered in making all discretionary decisions in the shoreline district.

The proposal does not conflict with the goals or policies relating to water dependent uses. The purpose of the US environment described in SMC 23.60.220C7, is to (1) provide opportunities for substantial number of people to enjoy the shorelines by encouraging water-dependent recreational uses and by permitting non-water dependent commercial uses if they provide substantial public access and other public benefits; (2) preserve and enhance views of the water from adjacent streets and upland residential areas; (3) support water dependent uses by providing services such a marine areas for water-dependent and water-related uses while still providing some views of the water from adjacent streets and upland residential streets.

DPD has reviewed the proposal and applicable codes and policies to determine that the change of use proposed is consistent with all codes and policies. The proposal involves alteration of an existing structure which has stood since 1942. The central gabled roof portion of the structure is non-conforming as to structure height and there is no proposal to increase the height of this portion of the structure.

### **Development Standards**

The subject structure and use is permitted subject to the development standards in SMC 23.60.124 which relates to nonconforming structures, the General Development standards in SMC 23.60.152 and the specific US Shoreline development standards in SMC 23.60.630.

#### **General Development Standards for all Shoreline Environments (SMC 23.60.152)**

These general standards apply to all uses in the shoreline environments. They require that all shoreline activity be designed, constructed and operated in an environmentally sound manner consistent with the Shoreline Master Program and with best management practices for the specific use or activity. All shoreline development and uses must, in part: 1) minimize and control any increase in surface water runoff so that receiving water quality and shoreline properties are not adversely affected; 2) be located, designed, constructed, and managed in a manner that minimizes adverse impact to surrounding land and water uses and is compatible with the affected area; and 3) be located, constructed, and operated so as not to be a hazard to public health and safety. The structure, as conditioned and mitigated, is consistent with the general standards for development within the shoreline area. General development standards (SSMP 23.60.152) state that Best Management Practices shall be followed for any development in the shoreline environment. These measures are required to prevent contamination of land and water. The Stormwater, Grading and Drainage Control Code (SMC 22.800) places considerable emphasis on improving water quality.

The proposal includes the removal of approximately 3,453 square feet of vegetation on the west side of the building to be replaced by a covered outdoor terrace and ADA access to the building. SMC 23.60.152 and SMC 23.09.200 require that the increase in impervious surface be to address the impacts to ecological function. The applicant, in consultation with the Department of Parks and Recreation, is proposing as mitigation the redevelopment of an existing parking lot in which the pavement will be removed and replaced with landscaped lawn, trees and planter boxes. Additional mitigation will be provided by the installation of native trees and shrubs along the shoreline of Waterways 3 and 4. These plants are being installed as part of the South Lake Union Park redevelopment and have not previously been accounted for as mitigation.

### **Development Standards for US Shoreline Environments (SMC 23.60.630)**

The development standard limits the height of structures to a maximum height of 30 feet in SMC 23.60.632. The structure is non-conforming as to height. Pursuant to SMC 23.60.124, no increase in height of the structure is proposed. The proposal will not affect other development standards, such as lot coverage, view corridor and public access in that the residence already exists and is being repaired.

### **C. THE PROVISIONS OF CHAPTER 173-27 WAC**

Chapter 173-27 of the WAC sets forth permit requirements for development in shoreline environments and gives the authority for administering the permit system to local governments. The State acts in a review capacity. The Seattle Municipal Code Section 23.60 (Shoreline Development) and the RCW 90.58 incorporates the policies of the WAC by reference. These policies have been addressed in the foregoing analysis and have fulfilled the intent of WAC 173-27.

### **DECISION - SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT**

The Shoreline Substantial Development Permit is **GRANTED**.

### **ANALYSIS – SEPA**

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated December 8, 2008. The information in the checklist and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SSMC 25.05.665 D) clarifies the relationship between codes, policies and environmental review. Specific policies for each element of the environment, certain neighborhood plans and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part: "where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation," subject to some limitations. Under such limitations/circumstances (SSMC 25.05.665 D1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

#### **Short-term Impacts**

The following temporary or construction-related impacts are expected: decreased air quality due to increased dust and other suspended air particulates during, construction; increased noise and vibration from construction operations and equipment; slightly increased traffic and parking demand from construction personnel traveling to and from the work site.

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures and life safety issues. Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the city.

### Greenhouse Gas Emissions

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant.

### Long-term Impacts

Operational activities, primarily vehicular trips associated with the project and the projects' energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant.

### Traffic and Parking

The South Lake Union Park site is bounded on the south by Valley Street which will be undergoing significant reconstruction beginning in the fall of 2009 changing the currently one-way, westbound four-lane street into a two-way, two lane street designed to serve only local users. This construction is part of the larger Mercer Corridor project which will widen Mercer Street by 70 feet and change it to a two-way, six lane street. Valley Street along the park frontage also accommodates the South Lake Union Streetcar line and will also have added bicycle lanes. The site is served by several Metro transit lines, the closest being the #17 which stops at Mercer Street and Westlake Ave North.

The site is also located within the South Lake Union Transportation Study area and the applicant will be required to make a transportation mitigation payment to help offset the cost of transportation improvements identified in the study and summarized in Client Assistant Memo 243. Based on the expected volume and distribution of project traffic, the pro-rata share for this project will be \$44,961.

The Seattle Department of Parks and Recreation (DOPAR) will maintain the existing 27-stall parking lot adjacent to the south side of the Amory building. There will be 48 temporary stalls at the southeast corner of the Park to be shared by park users, the Center for Wooden Boats and MOHAI. Once the Valley Street construction is completed there will be a parking lot on the south side of Valley Street to accommodate 140 to 160 vehicles. Because of its status as a Landmark structure, parking for the Armory building may be waived through a special exception process. However, a parking supply study conducted by DOPAR found that there were between 689 and 1,220 public parking stalls within one-quarter mile of the site. This supply is adequate to accommodate typical daily parking demand.

### **DECISION - SEPA**

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW43.21C), including the requirement to inform the public agency decisions pursuant to SEPA.

- ☒ Determination of Non Significance. The proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 2C.
- ☐ Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21.C.030 2C.

**CONDITIONS – SSDP**

None.

**CONDITIONS – SEPA**

*Prior to Certificate of Occupancy*

1. The applicant shall pay a transportation mitigation fee of \$44,961 to be apportioned among impacted South Lake Union transportation projects.

Signature: (signature on file)  
Marti Stave, Land Use Planner  
Department Planning and Development

Date: July 6, 2009